

Michael L. Ford, #8586
STRONG & HANNI
9350 South 150 East, Suite 820
Sandy, Utah 84070
Telephone: (801) 532-7080
Facsimile: (801) 323-2090

Michael J. Baratz (admitted *pro hac vice*)
Dorothy Brown (admitted *pro hac vice*)
Johanna Dennehy (admitted *pro hac vice*)
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue NW
Washington, DC 20036
Tel: (202) 429-3000
Fax: (202) 429-3902
Email: mbaratz@steptoe.com
dbrown@steptoe.com
jdennehy@steptoe.com

Attorneys for Purple Shovel, LLC

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

HOMELAND MUNITIONS, LLC,
BIRKEN STARTREE HOLDINGS,
CORP., KILO CHARLIE, LLC and LC
DEFENSE, LLC,

Plaintiffs,

v.

PURPLE SHOVEL, LLC,

Defendant.

WRIT OF EXECUTION

Case No.: 2:17-cv-00207-DB

Judge: Paul M. Warner

To the U.S. Marshal (to assist in the seizure of personal property in Washington County, Utah):

- (1) A judgment has been entered against the judgment debtor. After calculation of interest, costs and payments, the judgment debtor owes \$9,986,909.92.
- (2) You are directed to enter the residence at 5790 N. 1070 W., Saint George, UT 84770-5926 and assist the Constable in his enforcement of the Writ of Execution issued to him by the Court, in a law-enforcement capacity. The U.S. Marshals Service is authorized to use appropriate force necessary to gain entry into the residence in order to execute the Writ.
- (3) A representative of the judgment creditor will be present to identify the personal property to seize and will secure the property for storage until it can be sold to satisfy the judgment.
- (4) You are directed to serve this Writ and all attachments on the individual named in Paragraphs (2) and (3) of the Application for Writ of Execution.
- (5) You are to return this Writ within 10 days after receiving it, with a signed account of your actions in executing this Writ.

Date _____

Sign here ►

Court Clerk _____

NOTICE OF EXECUTION AND EXEMPTIONS

NOTICE: YOUR PROPERTY MAY BE TAKEN TO PAY A CREDITOR.

PLEASE READ THIS CAREFULLY.

- (1) A judgment for money has been entered against you, and the creditor has taken steps to seize your money or property to pay the judgment. If you think the creditor has improperly seized some of your money or property, you may object to the execution by taking the steps described below. You may not use these steps to object to the judgment. **If you think the judgment itself is improper, you must file a timely motion under Utah Rule of Civil Procedure 60(b) to set the judgment aside.**
- (2) If you are the judgment debtor in this action, your rights may be affected. You should read this notice and take steps to protect your rights.
- (3) If you are not the judgment debtor in this action, papers filed with the court indicate that you may have an interest in the judgment debtor's property. Your rights may be affected, and you should read this notice and take steps to protect your rights.
- (4) The court has ordered a sheriff or constable to seize your property. This means that it may be sold to pay a judgment creditor.
- (5) Certain property and money are exempt from execution (cannot be seized). The following is a partial list of exempt property and money, but some of these exemptions might not apply to judgments for alimony or child support.
 - (A) Declaration of Homestead. (The Declaration must be filed with the county recorder before the auction of the property. Utah Code Section 78B-5-504.)
 - (B) A burial plot for you and your family.
 - (C) Health aids.
 - (D) Benefits because of disability, illness or unemployment.
 - (E) Medical care benefits.
 - (F) Veteran's benefits.
 - (G) Money or property for child support, alimony or separate maintenance.
 - (H) Social security benefits.
 - (I) Supplemental security income benefits (SSI).
 - (J) Workers' compensation benefits.
 - (K) Certain retirement benefits.
 - (L) Public assistance.
 - (M) Certain furnishings, appliances, carpets, animals, books, musical instruments, works of art and heirlooms.
 - (N) Provisions for 12 months.

- (O) Wearing apparel, not including jewelry or furs.
 - (P) Beds and bedding.
 - (Q) Compensatory damages from bodily injury or wrongful death.
 - (R) The proceeds of certain life insurance contracts and trusts.
 - (S) Certain books, implements and tools of a trade.
 - (T) A motor vehicle up to a specified amount.
 - (U) Property of a person who did not have a judgment entered against him or her, such as the co-owner of the property being held.
- (6) Some property is exempt regardless of its value, for example, a refrigerator. Other property is exempt to the extent that it is worth less than an amount specified in the law. In that case, the property will be sold with the exempt amount going to the debtor and the balance to the creditor.
- (7) You should consult the Utah Exemptions Act for more information about exemptions. There is no exemption solely because you are having difficulty paying your debts.
- (8) If you believe that:
- statements in the Application for Writ of Execution are inaccurate;
 - the Writ of Execution was issued improperly; or
 - you are entitled to an exemption

then do the following immediately. You have a deadline of 10 business days from the date that you were served with the writ and accompanying papers.

- (A) Complete the attached Reply and Request for Hearing form.
 - (B) Sign your name in the space provided and write the address at which the court clerk should notify you of the hearing.
 - (C) Attach any documents that help you prove your claim.
 - (D) Mail or deliver the form to the court clerk and the judgment creditor (or judgment creditor's attorney). Keep a copy for your records. The name and address of the court and the judgment creditor (or judgment creditor's attorney) are on the first page of the Writ of Execution.
- (9) The court clerk will schedule the matter for hearing and notify you. If you discover documents that will help prove your claim after filing the Reply and Request for Hearing form, bring the documents to the hearing.

- (10) If you fail to take these steps, the property being held may be used to pay a judgment creditor even though it is exempt.
- (11) You may tell the officer who is conducting the sale the order in which to auction the property.
- (12) You may consult an attorney and have the attorney represent you at the hearing.

My Name

Address

City, State, Zip

Phone

Email

I am the ☐ Plaintiff/Petitioner
 ☐ Defendant/Respondent
 ☐ Person claiming a property interest
 ☐ Attorney for the
 ☐ Plaintiff/Petitioner
 ☐ Defendant/Respondent
 ☐ Person claiming a property interest
and my Utah Bar number is _____

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

HOMELAND MUNITIONS, LLC,
BIRKEN STARTREE HOLDINGS,
CORP., KILO CHARLIE, LLC and LC
DEFENSE, LLC,

Plaintiffs,

v.

PURPLE SHOVEL, LLC,

Defendant.

Reply and Request for Hearing

Case No.: 2:17-cv-00207-DB

Judge: Paul M. Warner

(1) ☐ I have read the Notice of Execution and Exemptions form. I understand that, by

filing this form, I cannot object to the judgment that I owe money to the creditor. I am filing this form because I believe that the creditor has improperly seized some of my money or property to pay the judgment.

(2) ☐ I request that this matter be scheduled for a hearing.

(3) ☐ Statements in the Application for Writ of Execution are inaccurate because:

(4) ☐ The Writ of Execution was issued improperly because:

(5) ☐ All [or this part: \$ _____] of the property is exempt because:

(6) ☐ I am not the judgment debtor, and I claim the following ownership in all or part of the property. (Explain.)

(7) ☐ I have attached documents that support my claims.

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true.

Date _____ Sign here ► _____

Typed or printed name _____

